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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/544,662 | 04/06/2000 | Hal V. Kauffeldt | 064731.0134 | 9003 |

7590 04/15/2004
Baker & Botts LLP
2001 Ross Avenue
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EXAMINER

LI, SHI K

| ART UNIT | PAPER NUMBER |
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2633

DATE MAILED: 04/15/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/544,662

Applicant(s)

KAUFFELDT ET AL.

Examiner

Shi K. Li

Art Unit

2633

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 11.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10 and 12-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant argues that the Office Action fails to consider "causing one of the component signals from the optical input terminal to be routed to said further terminal". However, in claims 1, 16 and 19, the condition is part of the limitation "a portion operable to facilitate one of: causing one of the component signals from the optical input terminal to be routed to said further terminal, and causing a component signal present at said further terminal to be included in the optical output terminal". That is, the limitation is met if the condition "causing one of the component signals from the optical input terminal to be routed to said further terminal" is met or if the condition "causing a component signal present at said further terminal to be included in the optical output terminal" is met. That is, the limitation is met if either one of the conditions listed in the limitation is met regardless of whether the other limitation is met or not. As indicated in the rejection, the switching unit of Ester et al. can be operated to add the east tributary (further terminal) to the optical output signal which is sent to the output terminal. Therefore, Ester et al. reads on the limitation and claims regardless of whether Ester et al. teaches "causing one of the component signals from the optical input terminal to be routed to said further terminal" or not. Similarly, the switching unit of Thompson can be operated to add the optical signal 60-1 to the optical output signal which is sent to the output terminal 21. Therefore, Thompson reads on the limitation and the claims regardless of whether Thompson teaches "causing one of the component signals from the optical input terminal to be routed to said further terminal" or not. Regarding claim 21, the Applicant argues that the coupler 32 of Arecco et al. merely drops the telemetry signals and does not "supply the signal to the demultiplexer". The Examiner disagrees. FIG. 2 of Arecco et al. indicates that the optical coupler 32 has one input port and two output ports. The input port is connected to input fiber 9; output port 32a drops the telemetry signals and output port 32b is coupled to demultiplexer 47 so as to supply optical signal to the demultiplexer. Therefore, Arecco et al. anticipates the claim.


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